

Notice of Allowability

Application No.

10/735,471

Examiner

Joseph D. Pape

Applicant(s)

REENTS, MARK WILLIAM

Art Unit

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview of 7-19-05.
2. ☒ The allowed claim(s) is/are 14-16.
3. ☒ The drawings filed on 16 February 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Reents on 7/19/05.

The application has been amended as follows:

Claims 1-13 have been cancelled.

The following new claims 14-16 have been entered.

14. A rigid convertible cap apparatus for an open bed vehicle or pick-up truck with the open bed having a width, a height and a length defined by longitudinally spaced apart forward and rearward ends, said apparatus comprising:

a plurality of movable independent rigid cap sections each having a laterally extending horizontal mid section and an end section extending downwardly from opposite lateral ends of the mid section, each end section having a plurality of guide elements attached to the lower edge thereof, the lower edge of each end section is capable of being flexed inwardly with respect to the open bed;

a pair of base tracks attached to opposite sides of the open bed and including a plurality of grooves corresponding to the plurality of cap sections; the plurality of guide elements on each of the plurality of cap sections being slidably received in respective ones of the plurality of grooves for selective movement to cover or uncover the open bed;

wherein the plurality of grooves are constructed so that each of the plurality of grooves extends inwardly and downwardly with respect to a forwardly adjacent one of the plurality of grooves from the rearward most groove to the groove directly adjacent to the groove for the forward most cap section of the plurality of cap sections; the guides of the forward most cap section being received in a housing section groove on the base tracks adjacent to the forward end of the open bed;

wherein the mid sections and end sections of the plurality of cap sections being constructed of the same dimensions whereby when the plurality of cap sections are extended to cover the open bed, they are in alignment vertically and horizontally to result in a smooth outer surface for the cap apparatus, and when the plurality of cap sections are retracted to uncover the open bed, the end sections thereof are flexed as they travel forwardly along the grooves of the base tracks so as to be overlapped and stored under the forward most cap section.

15. The cap apparatus according to claim 14 wherein the plurality of cap sections include the forward most cap section having a top cap seal, the rearward most cap section having a depressed cap groove and the middle cap sections have both top cap

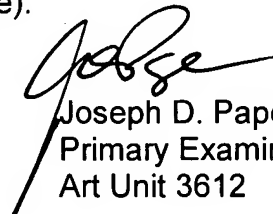
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seals and depressed cap grooves whereby the top cap seals and depressed cap grooves engage each other to provide a weather seal for the cap apparatus when the cap apparatus is fully extended.

16. The cap apparatus according to claim 14 wherein the guide elements are ball guides.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone 571-272-6664.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joseph D. Pape
Primary Examiner
Art Unit 3612
7/19/05

Jdp

July 19, 2005